

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

YUKIO KUSADA,

Plaintiff,

v.

BERKSHIRE EAST SKI RESORT, UNION  
TERMINAL PIERS, INC.,

Defendants,

Civil Action No. 05-30043-MAP

and

NORTHFIELD MOUNT HERMON  
SCHOOL,

Defendant and  
Third-Party Plaintiff,

v.

TAKERU KUSADA,

Third-Party Defendant.

**CERTIFICATION OF NORTHFIELD MOUNT HERMON SCHOOL  
IN COMPLIANCE WITH LOCAL RULE 16.1(D)(3)**

We, Richard T. Wood, Chief Financial Officer and Treasurer for Northfield Mount Hermon School, and Harold W. Potter, Jr., Attorney for Northfield Mount Hermon School, hereby affirm pursuant to the Local Rule 16.1(D)(3) that we have conferred:


- a) With a view of establishing a budget for the cost of conducting the full course, and various alternative courses of litigation; and

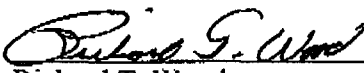
- b) To consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: April 22, 2005

NORTHFIELD MOUNT HERMON SCHOOL

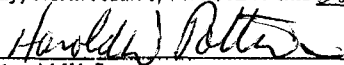
By its attorneys,

  
\_\_\_\_\_  
Harold W. Potter, Jr. (BBO #404240)  
10 St. James Avenue  
Boston, MA 02116  
(617) 523-2700

  
\_\_\_\_\_  
Richard T. Wood,  
Chief Financial Officer and Treasurer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by Hand Delivery to Ronald E. Gluck, Esq., Breakstone, White-Life & Gluck, P. C., Two Center Plaza, Suite 530 Boston, MA 0-2108 and by first-class mail to David B. Mongue, Esq., Donovan & Connor, I.L.P., 1330 Mass. MoCA Way, North Adams, MA 01247 this 22<sup>nd</sup> day of April, 2005.

  
\_\_\_\_\_  
Harold W. Potter

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